

Court No. - 82

Case :- CRIMINAL REVISION No. - 828 of 2023

Revisionist :- Praveen Kumar @ Bobby

Opposite Party :- State Of U.P. And 10 Others

Counsel for Revisionist :- Raghubir Singh

Counsel for Opposite Party :- G.A., Satya Narayan Yadav

Hon'ble Ms. Nand Prabha Shukla, J.

Heard Sri V.P. Srivastava, learned Senior Advocate assisted by Sri Raghubir Singh, learned counsel for the revisionist, learned counsel for opposite party Nos. 2 to 11 and learned A.G.A. for the State.

The instant criminal revision has been filed by the revisionist challenging the judgement and order dated 26.11.2022 passed by Additional District and Sessions Judge/FTC Court No. 1, Firozabad in S.T. No. 1185 of 2022 arising out of Case Crime No. 14 of 2021 under Sections 147, 148, 149, 323, 324, 326, 307/34 IPC, Police Station-Narakhi, District-Firozabad whereby learned Trial Court has rejected the application of the revisionist moved under Section 228 Cr.P.C.

The main submission of learned counsel for the revisionist is that the FIR was registered under Sections 147, 148, 149, 323, 324, 326, 307 and Section 34 IPC but the charge sheet was filed under Sections 147, 148, 323, 324, 504 and 506 IPC dropping Sections 149, 307, 326, 34 IPC and adding Sections 504 and 506 IPC. It has further been submitted that from the injury report of Vinay Kumar Yadav, the injury No. 3 is a lacerated wound of 1.5x1 cm through and through lower part of left ear and little part missing from ear and clotted blood present. The Doctor had opined the nature of injury No. 3 as grievous in nature. The learned Trial Court has ignored the injury report of Vinay Kumar Yadav and has framed the charges vide order dated 09.12.2022 only under Sections 147, 148, 323, 324, 504 and 506 IPC. The injury report of Vinay Kumar Yadav has not been taken into account and has framed the charges under Section 324 IPC instead of Section 326 IPC.

We hereby dispose of this revision with a direction to the court below to hear the matter afresh and decide the same expeditiously in accordance with law and taking into account overall facts and circumstances without granting any unnecessary or long adjournments to either of the parties.

With the aforesaid observation, the criminal revision is **disposed of**.

Order Date :- 5.12.2023/Shivani